

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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DARREN BROWN,

Petitioner,

v.

LAMINE N'DIAYE,

Respondent.

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Civ. No. 21-11583 (NLH)

**MEMORANDUM OPINION & ORDER**

APPEARANCE:

Darren Brown  
70050-050  
Fort Dix Federal Correctional Institution  
P.O. Box 2000  
Joint Base MDL, NJ 08640

*Petitioner Pro se*

Philip R. Sellinger, United States Attorney  
Angela Juneau, Assistant U.S. Attorney  
United States Attorney's Office for the District of New Jersey  
970 Broad Street  
Newark, NJ 07102

*Attorneys for Respondent*

HILLMAN, District Judge

WHEREAS, Petitioner Darren Brown filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, see ECF No. 1; and

WHEREAS, Petitioner seeks application of Time Credits earned under the First Step Act, which may lead to earlier

release to a residential reentry center, home confinement or supervised release; and

WHEREAS, on February 25, 2022, the Court ordered Respondent to supplement its answer on the effect, if any, the Federal Bureau of Prison's final rule interpreting how and when federal prisoners earn Time Credits under the First Step Act had on Petitioner's claim or whether the petition was moot, ECF No. 8; and

WHEREAS, on April 22, 2022, Respondent answered that "while the BOP's final rule does not moot Brown's request for the immediate application of FSA time credits, his request is not yet ripe for consideration." ECF No. 10 at 3. "The BOP has not yet calculated the amount of FSA time credit that Brown may have earned, however, because he is not within 24 months of his release date. . . . [H]is good conduct time release date is September 14, 2024; thus, he is not at risk for an untimely release." Id.; and

WHEREAS, it is now less than 24 months before Petitioner's Projected Release Date of September 14, 2024. Respondent shall update the Court as to the status of the calculation of Petitioner's FSA credits and the effect, if any, of said calculation on the § 2241 petition,

THEREFORE, IT IS on this 29th day of March, 2023

ORDERED that Respondent shall file a supplemental brief, within 30 days of the date of entry of this Order, status of the calculation of Petitioner's FSA credits and the effect, if any, of said calculation on the § 2241 petition; and it is further

ORDERED that Petitioner may file a response within 30 days of the date of the filing of Respondent's supplemental brief; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.